

10/733,786

are also similarly provided in each of the claims of Group I and II. Accordingly, infringement of the Group II method claims will almost certainly produce a coupling apparatus in accordance with the claims of Group I as well as vice versa. Therefore, the Applicant respectfully submits that the product, as presently claimed, cannot be made by a materially different method and the method, as presently claimed, cannot make a materially different product.

In requiring restriction, the Examiner also notes that the inventions are classified in different classes and subclasses, thus alluding to the fact that the inventions would involve divergent fields of search. However, as the Examiner is well aware, such a factor per se is not a basis for determining distinctiveness in accordance with MPEP § 806. It is respectfully submitted that the statutory requirements have not been met for Groups I and II. Therefore, the Examiner should withdraw the requirement for restriction and provide the Applicant with an action on the merits for all claims contained within this application.

In summary, it is respectfully submitted that all of the pending claims are believed to be directed to a single invention. However, so as to be fully responsive, the Applicant elects the invention disclosed in Group I (claims 1-11) and it is requested that, without further action thereon, any claims withdrawn by the Examiner be retained in this application pending disposition of this case and for possible filing of a divisional application(s).

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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